

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL A. RIVOTA, individually)	No. 1:19-cv-04156
and on behalf of all others)	
similarly situated,)	Judge John Z. Lee
)	
Plaintiff,)	Magistrate Judge Sunil R. Harjani
)	
v.)	
)	
BANK OF AMERICA CORPORATION)	
and MERRILL LYNCH, PIERCE,)	
FENNER & SMITH INCORPORATED,)	
)	
Defendants.)	

**JOINT MOTION FOR PRELIMINARY APPROVAL
OF THE PARTIES' CLASS ACTION SETTLEMENT**

Plaintiff, Michael A. Rivota (“Plaintiff”), individually and on behalf of all others similarly situated, and Defendants Bank of America Corporation and Merrill Lynch, Pierce, Fenner & Smith Incorporated (collectively, “Defendants”), by their respective attorneys, move for the entry of an Order (1) granting preliminary approval of the Parties’ proposed Class Action Settlement Agreement in this wage and hour case involving claims of unpaid overtime under the Illinois Minimum Wage Law and the Illinois Wage Payment and Collection Act; (2) approving as to form and content the Parties’ proposed Notice of Class Action Settlement, and approving the mailing of it to the Settlement Class Members; (3) approving Analytics Consulting, LLC as the Claims Administrator; (4) granting certification of the proposed Settlement Class for settlement purposes only; (5) approving the Named Plaintiff as the Class Representative of the Settlement Class; (6) approving Plaintiff’s Counsel as Class Counsel for the Settlement Class; and (7) setting a date for the Final Approval Hearing relating to the Settlement. In support of their motion, the Parties

submit their Memorandum in support of this motion, and asks that the Court enter the Preliminary Approval Order attached thereto as Exhibit 4.

Date: February 21, 2020

Respectfully submitted,

/s/ James X. Bormes
One of Plaintiff's Attorneys

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Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on this 21st day of February, 2020, he caused the foregoing Joint Motion for Preliminary Approval of the Parties' Class Action Settlement to be filed using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Thomas M. Ryan
One of Plaintiff's Attorneys